

**REGULAR MEETING
CITY COUNCIL
November 3, 2005**

ROLL CALL:

MR. WOJCIK, MR. DUNNE, MR. JUDGE, MR. KROGH, MR. MAHONEY, MRS. COLLIER, MS. MESSICK, MR. ARMET,
MRS. MAHAR DERGURAHIAN

ABSENT:

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

Local Law Intro. No. 2 Date November 3, 2005
Introduced by Council Member DerGurahian
At the request of Administration Seconded by _____

L.L. Intro #2

LOCAL LAW NO. _____ (Intro. #2) of 2005

REFERRED TO PUBLIC HEARING Thurs., Dec. 1, 2005 6:45pm

A LOCAL LAW AMENDING SECTION 4 OF
LOCAL LAW NO. 2 OF 1987, TO REVISE THE TROY EMPIRE ZONE
(FORMERLY KNOWN AS AN ECONOMIC DEVELOPMENT ZONE)

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TROY, COUNTY OF
RENSSELAER, STATE OF NEW YORK, AS FOLLOWS:

Section 1. By Local Section 4 of Law No. 2 of 1987, this City Council authorized an applicant for the designation of an Economic Development Zone relative to certain land within the City of Troy.

Section 2. That the City of Troy has received Economic Development Zone approval from New York State.

Section 3. By Local Law No. 1, adopted in the year 1989, the Economic Development Zone was expanded.

Section 4. By Local Law No. 3, adopted in the year 1995, the Economic Development Zone was expanded a second time.

Section 5. By Local Law No. 6, adopted in the year 1999, the Economic Development Zone was expanded a third time.

Section 6. By Local Law No. 6, adopted in the year 2002, the Economic Development Zone, now called the Empire Zone, was expanded a fourth time.

Section 7. It is the desire of this City Council to authorize an application to revise the Empire Zone to include .85 acres located in the City of Troy.

Section 8. The City of Troy is hereby authorized to submit an application to revise the Empire Zone to include the property described in Section 7 of this Local Law.

Section 9. The boundary of the Empire Zone, as described in Local Law No. 2 of 1987, Local Law No. 1 of 1989, Local Law No. 3 of 1995, Local Law No. 6 of 1999, and Local Law No. 6 of 2002, shall be expanded to include the properties described as follows:

1. 101.32-2-2
2. 101.32-2-13

Section 10. The Commissioner of the New York State Department of Economic Development is hereby requested to revise the boundaries of the Empire Zone in accordance with this Local Law.

Section 11. In all other respects, Local Law No. 2 of 1987, Local Law No. 1 of 1989, Local Law 3 of 1995, Local Law No. 6 of 1999, and Local Law No. 6 of 2002 shall remain in full force and effect.

Section 12. This Local Law shall take effect immediately upon the filing with the New York State Secretary of State.

Approved as to form, October 20, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED/FAILED by the following vote:

Ayes: 0

Noes: 0

Abstain: 0

Ordinance No. 1 Date November 3, 2005
 Introduced by Council Member DerGurahian
 At the request of Administration Seconded by Armet

ORD. #1

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO ACCEPT INSURANCE FUNDS AND TO
 AUTHORIZE EXPENDITURE FOR REPLACEMENT OF DAMAGED COMMUNICATIONS
 TOWER ANTENNAE**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Fire Budget is hereby amended by the acceptance of insurance funds paid to the City for transferring funds from insurance as provided in Schedule "A" entitled

2005 Budget Amendment – Fire Department Antennae Damage Insurance Recovery

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, October 19, 2005

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 Date November 3, 2005
 Introduced by Council Member Armet
 At the request of Administration Seconded by Collier

ORD. #2

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO REFLECT THE APPROVED GVCS
 GRANT AGREEMENT AND BUDGET**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A entitled:

GVCS Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, October 19, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 **Date** November 3, 2005
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Judge

ORD. #3

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
GENERAL FUND BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A entitled:

November 2005 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, October 19, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 **Date** November 3, 2005
Introduced by Council Member Armet
At the request of Administration **Seconded by** Collier

ORD. #4

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO ACCEPT ADDITIONAL FUNDS FROM
 THE BUREAU OF JUSTICE ASSISTANCE FOR THE PURCHASE OF REPLACEMENT BULLET
 PROOF VESTS**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A entitled:

November Bullet Proof Vest Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, October 19, 2005

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date November 3, 2005
 Introduced by Council Member Armet
 At the request of Administration Seconded by Krogh

ORD. #5

ORDINANCE AMENDING THE 2005 GENERAL FUND
 CITY BUDGET TO ACCEPT A "STATE URBAN AREA SUPPLEMENTAL PROGRAM GRANT" ON
 BEHALF OF THE NYS OFFICE OF HOMELAND SECURITY FOR THE PURCHASE OF A MOBILE
 COMMAND CENTER

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2005 City General Fund Budget is hereby amended to accept grant fund revenue and modify appropriations within the 2005 Police Department Operating Budget as provided in Schedule "A" entitled:

**Public Safety – Police
 State Urban Area Homeland Security Grant**

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, October 19, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 Date November 3, 2005
 Introduced by Council Member DerGurahian
 At the request of Administration Seconded by Messick

ORD. #6

ORDINANCE DETERMINING THAT THE RECONSTRUCTION OF CERTAIN SIDEWALKS
 CONSTITUTES A LOCAL IMPROVEMENT

PURSUANT TO 9.05 OF THE CITY CHARTER

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Pursuant to Section 9.05 of the City Charter, the reconstruction of the sidewalks described in Schedule "A" entitled:

"City of Troy, New York
Homeowner Sidewalk Improvement Program"

Which is attached hereto and made a part hereof, are hereby determined to be local improvements. The cost of such improvements shall be borne by the abutting property owner.

Section 2. Upon receipt of the final estimate for such local improvements, the City Assessor shall prepare and file an assessment roll pursuant to the provisions of Section 9.10 of the City Charter for confirmation by the City Council.

Section 3. Assessments for such local improvements shall be payable in ten (10) equal annual installments, but may be paid in full at any time by the property owners. Installments shall carry interest at the rate of six percent (6%) per year. An additional 1.5% per month penalty shall also accrue against any late payments.

Section 4. This ordinance shall take effect immediately.

Approved as to form, October 19, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 7 **Date** November 3, 2005
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Armet

ORD. #7

**ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM AGAINST THE CITY OF TROY:
TRAVELERS PROPERTY CASUALTY CORPORATION A/S/O STEPHEN STAPLES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Council authorizes the office of the Corporation Counsel to settle this litigation pursuant to the terms and in the amount identified in the attached Memorandum of Support. The Corporation Counsel shall obtain a Stipulation of Discontinuance and General Release in full satisfaction of the claim prior to payment.

Section 2. This Ordinance shall take effect immediately.

Approved as to form, October 20, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 8(a) **Date** November 3, 2005
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Judge

ORD. #8(a)

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations on file with the office of the Corporation Counsel:

Vandenburgh Donuts, LLC

112.77-4.2

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations and shall authorize

the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, October 20, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 8(b) **Date** November 3, 2005
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Messick

ORD. #8(b)

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations on file with the office of the Corporation Counsel:

Peter and Marcy Poulin

101.53-9-2

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations and shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced

assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, October 20, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 8c **Date** November 3, 2005
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Krogh

ORD. #8(c)

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Counsel:

George Reeves

90.79-6-22

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare a new tax bills in the proper form based on the above-referenced

assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, October 20, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 9 **Date** November 3, 2005
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Collier

ORD #9

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO ACCEPT INSURANCE FUNDS AND TO
AUTHORIZE EXPENDITURE FOR REPAIR AND REPLACEMENT OF DAMAGED AREAS TO
THE DEPARTMENT OF PUBLIC WORKS GARAGE**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Budget is hereby amended by the acceptance of insurance funds paid to the City for transferring funds from insurance as provided in Schedule “A” entitled

2005 Budget Amendment – DPW garage insurance recovery

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, October 20, 2005

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9
 Noes: 0
 Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date November 3, 2005
 Introduced by Council Member DerGurahian
 At the request of Administration Seconded by Judge

RES. #1

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule “A”, attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule “A”.

Approved as to form, October 20, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9
 Noes: 0
 Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 Date November 3, 2005
 Introduced by Council Member DerGurahian
 At the request of Administration Seconded by _____

RES. #2

REFERRED TO PUBLIC HEARING – THURS., DEC. 1, 2005 6:50pm

**RESOLUTION AUTHORIZING AND CONSENTING TO THE RELOCATION OF
 THE CHAZEN COMPANY FROM GURLEY AVENUE TO 547 RIVER STREET,
 LOCATED IN THE TROY EMPIRE ZONE**

WHEREAS, Chazen Engineering and Land Surveying Company, P.C. (Chazen Company) has operated within 6,000 square feet at 20 Gurley Avenue for several years, and

WHEREAS, Chazen Company has experienced a steady increase in employment since 2003, and

WHEREAS, as the company continued to grow, space limitation, transportation access, and limited parking accommodations at 20 Gurley Avenue became increasingly problematic, and

WHEREAS, in early 2005, the company moved its entire operations from 6,000 square feet on Gurley Avenue to 15,000 square feet in Flanagan Square located at 547 River Street, and

WHEREAS, the new location will allow the company to operate more efficiently, to continue to increase its employment base, to take advantage of Empire Zone incentives, and to remain competitive in its market industry.

NOW THEREFORE BE IT RESOLVED, that the City of Troy consents to the relocation of the Chazen Company from Gurley Avenue to 547 River Street, located in the Troy Empire Zone.

Approved as to form, October 20, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED/FAILED by the following vote:

Ayes: 0

Noes: 0

Abstain: 0

Resolution No. 3 Date November 3, 2005
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Judge

RES. #3

**RESOLUTION REQUESTING THAT THE COMMISSION OF THE NEW YORK
STATE DEPARTMENT OF ECONOMIC DEVELOPMENT APPROVE
AMENDMENTS TO THE BOUNDARIES OF THE TROY EMPIRE ZONE**

WHEREAS, the City of Troy has identified the Hoosick Street Corridor as a target area in the City where a re-development strategy must be implemented in order to transition the corridor into an economically viable area; and

WHEREAS, the City has implemented the first phase of its redevelopment strategy, which was the rezoning of the corridor in order to more effectively encourage and support a variety of commercial development alternatives; and

WHEREAS, the City Department of Planning and Economic Development has met with several developers that have expressed a desire to locate on the corridor and construct new medical office space, with potential investments totaling approximately \$5 million, and job creation and retention levels ranging from 10 to 20 jobs, within the next two years; and

WHEREAS, the City, in coordination with the Troy Zone Administrative Board have determined that the demonstrated investment potential justifies the implementation of the second phase of the redevelopment strategy, which is making incentives available for businesses that desire to locate, invest, and expand on the corridor.

NOW THEREFORE, BE IT RESOLVED, that the City of Troy hereby requests the Commissioner of the New York State Department of Economic Development approve amendments of the boundaries of the Troy Empire Zone to include additional acreage on the Hoosick Street Corridor to ensure that these projects reach successful completion and that investment and employment opportunities are expanded in the area.

Approved as to form, October 20, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 11-04-05, Approved 11-07-05 -Returned – 11-07-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Meeting adjourned 8:12 pm.